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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,933	06/04/2001	Robert M. Lund	09775810-0035	3347
28863 7590 01/16/2007 SHUMAKER & SIEFFERT, P. A. 8425 SEASONS PARKWAY SUITE 105 ST. PAUL, MN 55125			EXAMINER TAYLOR, BARRY W	
			ART UNIT	PAPER NUMBER
			2617	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/16/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/873,933

Applicant(s)

LUND ET AL.

Examiner

Barry W. Taylor

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 37, 39-41, 43, 44 and 47-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 37, 39-41, 43, 44 and 47-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/1/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 1-3, 37, 39-41, 43-44, and 47-63 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Applicants newly added claim limitations couldn't be found in Applicants originally filed specification. For example, Applicants have amended independent claims to include at least the term "geographic". The Examiner has performed a text search of Applicants specification and cannot find one occurrence of the term "geographic". It is therefore unclear to the Examiner as to what Applicants consider the invention to be.

Claim Objections

2. Claim 38 is objected to because of the following informalities: It is unclear to the Examiner as to whether Applicants intentionally added the term "(Withdrawn-Currently Amended)" to dependent claim 38. If Applicants are trying to re-claim previous restricted material the Applicants are advised of previous election. Claim 38 needs to be amended to read "Withdrawn". Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1- 2, 37, 39-41, 44, 47-52, 55-59, and 62-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mulcahy et al (6,002,746 hereinafter Mulcahy) in view of Miller et al (7,062,549 hereinafter Miller). The following rejection is being made as best understood by the Examiner due to the 112 rejection listed above.

Regarding claims 1, 49, 56 and 63. Mulcahy teaches a subscriber unit and method for correlating a subscriber unit to a physical port in a point-to-point or to a point-to-multipoint network (title, abstract) comprising:

prompting an installer to manually input a location code associated with the subscriber unit (col. 7 lines 64-67);

receiving the location code in the subscriber unit (col. 7 lines 64-67);

transmitting the location code via the network to a central repository (col. 7 lines 29-32); and

storing the location code in the central repository to associate the location code with the physical port (col. 8 lines 7-9).

According to Applicants newly amended claim language, Mulcahy fails to teach transmitting the location code and a subscriber unit identifier to a central repository (see

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Amendment and remarks, paper dated 11/01/05 and comments appearing at the bottom of page 10, paper dated 11/7/06).

Miller also teaches methods and systems for communication path analysis that provides an automated mechanism for technicians located remotely from a network operations center to query a communications system for the status of communications paths (title, abstract). Miller discloses that craftsperson only needs to enter one communication circuit identifier (i.e. geographic location) to receive corresponding circuit verification and test results in a more efficient manner (last line of abstract, figures 3-8, col. 2 lines 19-40, col. 2 lines 64-67, col. 5 lines 39-52, col. 6 lines 1-49, col. 7 lines 15-57, col. 8 lines 1-67, col. 9 lines 45-64).

It would have been obvious for any one of ordinary skill in the art at the time of invention to utilize the teachings of Miller into the teachings of Mulcahy in order to allow craftsperson to simply input circuit identifier from a remote location and receive status and test result information for the particular circuit which includes geographic information as taught by Miller column 9 lines 60-64).

Regarding claim 2. Mulcahy teaches checking the location code for errors before storing (col. 8 lines 1 1-13);

Upon finding an error, transmitting an instruction to the subscriber unit to indicate error to the installer (col. 8 lines 14-22)., and upon finding no errors, storing the location code (col. 7 lines 29-32).

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Regarding claim 37. Miller teaches the location code permits identification of network service parameters associated with the subscriber unit (col. 6 lines 56-67).

Regarding claims 39, 50 and 57. Mulcahy teaches receiving the location code in the subscriber unit (col. 7 lines 64-67).

Regarding claims 40, 51 and 58. Mulcahy teaches prompting an installer to manually input a location code associated with the subscriber unit (col. 7 lines 64-67).

Regarding claims 41, 52 and 59. Mulcahy teaches test set used by craftsperson (see 18 figure 4).

Regarding claims 44 and 55. Miller teaches error detection and notification (see col. 6 line 37 – col. 7 line 27 wherein Miller associates an owner name with the location code and if circuit is not owned by the Network Service Provider that the technician works then an error message is displayed).

Regarding claim 47. Miller teaches the unique identifier is assigned via manufacture (col. 5 lines 49-52).

Regarding claim 48. Miller teaches correlating subscriber unit with location code (see figure 8 wherein circuit number listed as 810 is correlated with Location item 830).

Regarding claim 62. Mulcahy teaches subscriber unit is located at subscriber location (see col. 8 lines 7-9 wherein CLI is typically used to physically identify subscriber units).

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4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mulcahy et al (6,002,746 hereinafter Mulcahy) in view of Miller et al (7,062,549 hereinafter Miller) further in view of Kennedy et al (6,163,594 hereinafter Kennedy). The following rejection is being made as best understood by the Examiner due to the 112 rejection listed above.

Regarding claim 3. Mulcahy in view of Miller fail to show prompting the installer to reinput the location code. However, Mulcahy discloses that if an error is detected, the operator can instruct a field engineer (i.e. installer) to perform appropriate operations to correct the error (col . 8 lines 1 9-22).

Kennedy allows the craftsperson to re-input the location code (col. 2 lines 51-60, col. 3 lines 33-66, col . 7 lines 39-41 , col. 10 lines 1-3, lines 29-31 , see "reentering the correct directory number" in column 11).

It would have been obvious to any one of ordinary skill in the art at the time of invention to utilize the teachings of Kennedy into the teachings of Mulcahy in view of Miller in order to allow engineer the opportunity to perform appropriate operations to correct the error.

5. Claims 43, 53-54 and 60-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mulcahy et al (6,002,746 hereinafter Mulcahy) in view of Miller et al (7,062,549 hereinafter Miller) further in view of Steinbrenner et al (6,754,310 hereinafter Steinbrenner).

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Regarding claims 43, 53-54 and 60-61 . Mulcahy in view of Miller fail to use the term video.

Steinbrenner teaches a telephony interface device for providing status and diagnostic information to a craftsperson wherein the telephony interface device that generates and provides voice prompts to aid the craftsperson in understanding or diagnosing the system thereby providing for an interactive telephony test device (col. 10 lines 29-63). Steinbrenner teaches a telephony interface device for providing status and diagnostic information relating to "alternative media" (col. 1 line 62) including video, voice and high-speed data (col. 2 lines 1-2).

It would have been obvious for any one of ordinary skill in the art at the time of the invention to utilize the teachings of Steinbrenner into the teachings of Mulcahy in view of Miller in order to provide an interactive test set that can accept user input and provide error code voice messages to the craftsperson (see col. 9 lines 8-22 wherein voice prompt played to indicated failure).

Response to Arguments

6. Applicant's arguments with respect to claims 1-3, 37, 39-44, 47-63 have been considered but are moot in view of the new ground(s) of rejection.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor, telephone number (571) 272-7509, who is available Monday-Thursday, 6:30am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost, can be reached at (571) 272-7872. The central facsimile phone number for this group is **571-273-8300**.


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (571) 272-2600, the 2600 Customer Service telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Barry W. Taylor
Art Unit 2617


BARRY TAYLOR
PRIMARY EXAMINER